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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-ninth session

SUMMARY RECORD OF THE 763rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 23 January 2002, at 10 a.m.

Chairperson: Mr. DOEK

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Second periodic report of Chile

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Chile (CRC/C/65/Add.13; CRC/C/Q/CHI/2; HRI/CORE/1/Add.103; written replies of the Government of Chile to the questions in the list of issues (document without a symbol distributed in the meeting room in English and Spanish))

1. At the invitation of the Chairperson, the members of the delegation of Chile took places at the Committee table.

2. Ms. PÉREZ (Chile) said that progress in implementing the Convention on the Rights of the Child had been linked to a substantial effort to eradicate poverty and social exclusion, involving the identification of core concerns. Although there was still a substantial gap vis-à-vis the standards laid down in the Convention, which stemmed from the persistent cultural notions regarding childhood, the Government was fully committed to the Convention and its underlying philosophy.

3. Poverty among young people had declined sharply, education coverage had increased at all levels, and more effective identification of the poorest and most vulnerable sectors had reduced infant mortality. Both the Filiation Act and the Adoption Act protected children born out of wedlock and assigned priority to the best interests of the child. Chile had signed the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and international adoption was the exception rather than the rule. The new Sexual Offences Act provided broader protection for victims, especially those under 12 years of age, and accelerated prosecution procedures, while the Education (Constitutional Organization) Act had been amended to enable pregnant or breastfeeding girls to remain in the education system. Chile had also ratified International Labour Organization (ILO) Conventions Nos. 103 and 156.

4. The protection system had been reformed, with the separation of rights protection and juvenile responsibility, special attention being accorded to the rights of vulnerable children and young people. The Convention had been the main inspiration for the recent National Policy on Children and Young People, in which a number of strategic areas had been defined. The critical issues to be addressed stemmed from the persistence of many profound social disparities and the resulting delay in the establishment of a child-rights approach. However, the juvenile justice system was slowly being overhauled. HIV/AIDS and indigenous peoples were two other areas that suffered from a weak response by the State and society, coupled with the difficulty the country had encountered in involving the various governmental and non-governmental sectors and in coordinating their input.

5. Among the major challenges were the effective establishment of rights-based public child policies and the achievement of a unanimous commitment to their implementation and universal access to high-quality primary and secondary education, the cornerstone of equal opportunity. Another was to establish a new public institutional system for children and young people which ensured effective implementation of the Convention and of the National Policy and Integrated Plan of Action in favour of Children for 2001-2010, including specific plans the latter entailed.

It was the authorities' intention fully to integrate civil-society organizations into their implementation efforts and to enact substantive legislation that would ensure that children became full holders of rights.

6. Ms. SARDENBERG welcomed the delegation and commended it on its informative introduction. She was impressed by the high level of representation and by the fact that it had been drawn from various sectors, attesting to the country's holistic approach.

7. She asked the delegation to explain the role of the Ministry of Planning and Coordination and say how far it was responsible for the implementation of children's rights. Also, what were the responsibilities of the Unit for Intersectoral Coordination and Civil Society and exactly how did it cooperate with civil society? Chile's accession to all the major instruments attested to its commitment in that regard and indicators of life expectancy, inoculation and infant mortality compared favourably with trends in the rest of Latin America. However, since democracy had implications for children, she wondered whether the new Government that had come to power in 2000 as a result of free and fair elections was finding it difficult to comply with human rights instruments as a result of the long years of dictatorship.

8. Despite the detail of the report, it was somewhat vague as to what was actually occurring on the ground. Also, certain disparities were evident between the report and the written replies, suggesting that different people's inputs had not been properly coordinated. How had they actually been drafted? While acknowledging the progress achieved, she pointed out that some of the short list of recommendations - including those on juvenile justice - contained in the concluding observations on the initial report had not been implemented, and stressed that the recommendations in each set of concluding observations must be the point of departure for the subsequent report. Consequently, the Government's approach in according priority to children in its general policies, remained unclear.

9. A serious shortcoming was the continued validity of the 1967 Minors Act and the absence of a public policy on people in irregular situations, despite the fact that Chile had ratified the Convention as long ago as 1990. Effective plans could be formulated only on the basis of up-to-date instruments. Could the delegation clarify what imminent steps were envisaged? Many laws referred to in the report were still at the initial stage and the enactment process could take years. A culture of rights could end the culture of violence, hence a new approach was called for if the country was to comply fully with the Convention. She would like to know the competence of the Intersectoral Working Group on Children and Young People and its place in the government structure and whether the Convention had been translated and disseminated in languages other than Spanish.

10. Ms. CHUTIKUL thanked the delegation for its instructive presentation. She was somewhat confused by the written replies. Was she right in believing that the Government was still in the process of establishing a civil-society consultative committee to implement the Convention? She asked whether the Ministry of Social Affairs was still to be set up and how it fitted in with the existing Ministerial Council for Children and Young People. How would its activities be carried out at the local level, as stated in the report, especially since the written

replies had disclosed that Children's Rights Offices would operate at local level, although they appeared to have a limited mandate and did not cover the entire Convention. Also, how did they fit into the overall structure?

11. She wished to know whether the National Plan had a built-in monitoring system or whether there would be a separate monitoring body. Since Chile had 13 regions, how did the regional plans for the child work and how were they linked to the National Plan? She asked whether there was any umbrella organization coordinating relations between the Government and the non-governmental organizations (NGOs) and whether the latter participated in the formulation of national plans. Was there a system in place for data disaggregation, and had any child indicators been developed?

12. Ms. AL-THANI requested an explanation of the legislative changes regarding sex offences against children under 12, since it seemed that the new law would make it more difficult to prosecute offenders. It also left children aged 12-18 unprotected against such crimes. She wished to know whether the Child Rights Offices would perform the role of ombudsman, defending children's rights and receiving complaints. If not, did the Government intend to institute a body that performed those tasks?

13. She asked if and how the various statistics that emerged from the data collected by ministries, the national censuses and the biennial national social surveys were collated. Also, did the fact that girls and boys up to the age of 12 and 14 respectively require parental consent for marriage mean that those were the minimum ages for marriage? Or were they an exception to another regulation, the marriage age being higher? If those were the minimum ages, they should be higher, and in any case the age of marriage should be the same for boys and girls.

14. Mr. AL-SHEDDI said it was unfortunate that, even with the Government's delay in preparing its second periodic report, it still had not found the time to implement the recommendations contained in the previous concluding observations. It was unclear how the recommendations of the Intersectoral Working Group had taken the best interests of the child into account or what action the Government had taken on receipt of its report. No evaluation appeared to have been made. He would be grateful for further information on the Government's follow-up to those recommendations and for further information concerning the Government's evaluation of the follow-up to the previous National Plan for Children (PNI). Had most of the recommendations been implemented and had any problems been encountered?

15. The apparent lack of participation on the part of civil society in activities on behalf of children, in the drafting of the report and in the Intersectoral Working Group was regrettable, inasmuch as it could keep the Government abreast of children's real needs. Also, to what extent had children been involved in the preparation of the report? Given the drop in the proportion of the budget spent on children under 15 living in poverty, he wished to know how the budget was disaggregated and how much was spent on social affairs in general and on children's activities in particular. Was any special attention given to regions with a high percentage of poverty, and did the regions themselves take action to alleviate the situation?

16. Mr. CITARELLA said he was concerned that so little progress had been made in reforming the Minors Act; neither of the bills mentioned in the written replies had yet been submitted to Parliament. Efforts should be made to ensure that all new legislation relating to children recognized the rights set forth in the Convention. The reporting State should be more specific about the status of the Convention in domestic law, because while Chile's ratification of the Convention invested it with constitutional status in the legal system, it seemed that judges did not have to take its provisions into account. The issue of the definition of the child also warranted further clarification. He drew attention to paragraph 60 of the second periodic report (CRC/C/65/Add.13), according to which one of the guiding principles of the new bill on criminal offences committed by juveniles was the recognition of a child's status of "person" and of children's special needs. In conformity with that principle, the bill recognized children, to an appropriate extent, as subjects of law responsible for any offences that they committed. Was that principle in conformity with the current legislation in force exempting children aged under 16 years from criminal responsibility? The definition of the child in Chile was unclear and needed further explanation. The report revealed that Chile's legislation did not contain a definition of what was understood by "child", yet the Civil Code stated that anyone over the age of puberty should be considered an adult. It went on to state that a person who had reached the age of 21 should be considered of age, or simply a major, and anyone who had not reached that age should be considered below legal age, or simply a minor. The confusion appeared to stem from a conflict between cultural and legal traditions. In his view, the minimum age for marriage was too low and did not comply with the provisions of the Convention. The fact that children aged over 14 in the case of boys or over 12 in the case of girls could marry was also discriminatory against girls.

17. Ms. TIGERSTEDT-TÄHTELÄ said she would welcome further information about the outcome of the National Plan for Children (PNI) that had been launched in 1992. Had the Plan achieved its objectives? Further details should also be provided on the Integrated Plan of Action in favour of Children and Young People for 2000-2010. In drawing up the Plan, had the Ministry of Planning and Coordination discussed the question how to put the Plan into action and decided on a timeframe for the various measures? It would be interesting to learn what percentage of the budget had been allocated for the Plan. Did the fact that the Plan was "integrated" mean that it encompassed some of the other initiatives currently being carried out by the Government? Further details would be welcome about the impact of the Poverty Eradication Strategy for 2000-2006.

18. In its written replies, the State party mentioned that the National Service for Women (SERNAM) was planning a National Policy on the Family in Chile, which had been developed with the participation of various ministries and public services using the approach adopted in developing the National Policy on Children and Young People. According to the written replies, the Family Policy was consistent with a human rights perspective and the Convention. She wondered whether the Policy was universal or whether it targeted specific groups. Did the Government intend to take steps to ensure that institutionalization of children was avoided, by providing financial and psychological support to families with children with special needs? The written replies also revealed that the National Service for Minors (SENAME) had embarked on a very important reform process; more details about the reform should be provided.

19. Ms. KARP said the National Policy and Integrated Plan of Action in favour of Children and Young People was important as it was structured around the general principles of the Convention. In the written replies, the specific guiding principles of the National Policy were enumerated, including respect for the child's life and development, equality of rights and opportunities, gradual autonomy, non-discrimination and respect for individual identity, freedom of thought and expression and the best interests of the child. She wondered why no mention had been made of the right of the child to be heard. While it was commendable to identify such human rights principles in the document, it would be a greater challenge to put them into practice; how did the Government intend to raise awareness of the changes that needed to be made in order to ensure a human rights-based approach?

20. She failed to understand why the Ministerial Council for Children and Young People that would be created to monitor the implementation of the Convention and the National Policy on Children and Young People needed the support of two technical advisory bodies, one comprising representatives of civil society and the other made up of representatives of all the ministries and services involved with children and young people. Surely it would be more effective to encourage partnership between the two groups, in order to reflect the holistic approach that should be taken towards implementing the Convention?

21. On the issue of legislation, it was not clear why the Children's and Young People's Rights Bill and the Criminal Offences (Young Persons' Responsibility) Bill had not yet been submitted to Parliament. Was the delay due to the fact that the Government was working to ensure that the necessary structures for implementation were in place before legislation came into force, or was it rather due to a conflict of interests? Enacting legislation was only the first step towards introducing change; delaying legislation meant that the State party would have longer to wait before it could reap the practical benefits. It would be interesting to learn what the impact of the new sexual offences bill had been on the everyday lives of children. Did Chile already have the structures in place that were needed to protect children under the bill and to provide the necessary treatment and rehabilitation services?

22. Ms. OUEDRAOGO said that she welcomed the amendment of the Education Act in August 2000 giving pregnant girls and teenage mothers the right to attend educational establishments. It would be interesting to know what steps were being taken to encourage changes in attitudes towards teenage mothers and to raise the self-esteem of such girls so that they had the confidence to pursue their education while taking on their new responsibilities as mothers.

23. Ms. TIGERSTEDT-TÄHTELÄ said she would welcome further information about the Solidarity and Social Investment Fund (FOSIS) and the other funds mentioned in the second periodic report. Did the funds have a legal basis? It would be useful to learn how the funds were operated and whether they received a budgetary allocation from the State. Lastly, she asked whether Chile had a decentralized political system. For example, were there any locally-elected bodies at municipal level to make decisions on issues relating to health, education and social welfare?

24. The CHAIRPERSON said that while the report contained detailed information, it was difficult to gain an idea of the whole picture. Paragraph 212 of the report indicated that children aged over 16 but under 18 who were not deemed to possess "discernment" were exempt from criminal responsibility. The State party should indicate how it determined whether or not a child had acted with discernment. It should also indicate what measures were taken if a child under 16 years committed a serious crime. The written replies indicated that in 2001 a reform of the National Service for Minors (SENAME) had been announced which would make it a service specializing in work with children and young people in conflict with the law. The Government therefore appeared to be meeting its obligations to distinguish between children in conflict with the law and other activities related to the rights of the child, but further details were needed. The State party should explain what the new role of SENAME would be. Would its responsibilities become those of a probation service or would its role be to provide legal assistance for minors? It was not clear which body would be made responsible for assisting vulnerable groups of children.

The meeting was suspended at 11.15 a.m. and resumed at 11.30 a.m.

25. Ms. PÉREZ (Chile) said that the Ministry of Planning and Cooperation (MIDEPLAN) had been created in 1990 and had a range of responsibilities relating to social policy, including the coordination and evaluation of public investment at national and regional level and the coordination of regional development projects. Another of its chief tasks was the preparation, coordination and evaluation of social policies for disadvantaged groups, which included children, indigenous people, disabled people and the elderly. In 2001, the President had announced a far-reaching reform of all public institutions in an effort to modernize the State, which included a reform of the National Service for Minors (SENAME) to establish a new institutional framework for children. Steps were being taken to create a Ministry of Social Affairs to carry out the role currently played by the Ministry of Planning and Cooperation in the area of social policy; its tasks would include the coordination, evaluation and monitoring of the National Policy and the Integrated Plan of Action in favour of Children and Young People, and it would have some responsibilities relating to the implementation of the Convention. Chile had traditionally been a country with a highly sectoral institutional and political framework and had counted on the cooperation of public institutions and civil society. With regard to the concerns expressed by Committee members about the delays in enacting new legislation, she said that for political reasons, the legislative system in Chile was complex and it was difficult under the circumstances to reach a consensus when it came to introducing new legislation for protecting the child. A complex electoral system added to the difficulties.

26. Mr. SALINAS (Chile) said that Chile had ratified the Convention in 1990 and was in the process of ratifying its two Optional Protocols. The Constitution established that all human rights treaties ratified by Chile were fully applicable within Chilean legislation. The Convention could therefore be invoked before the courts. Unfortunately, however, given the complex nature of the legal system, judges were entrusted with the power to interpret and apply the provisions of international human rights instruments as they saw fit. Thus, despite the fact that an increasing number of judicial decisions were made applying the principles and provisions of international legal instruments, the criteria for interpreting the law in force were not yet standardized.

27. Incorporating international law into domestic law was a very slow process. The current coalition Government did not always have sufficient majority to enact the laws it considered necessary, as the binominal electoral system meant that the opposition party was over-represented in the National Congress, often making it difficult for the Government to enact new legislation. An additional complication was that the Constitution allowed for nine senators who were not elected by popular ballot but appointed by the members of the Supreme Court, the National Security Council and the President. The majority of those senators did not support the coalition Government, and often impeded the adoption of legislation.

28. In reply to a question by Ms. Al-Thani, he said he regretted that no governmental institution had been created specifically to monitor the exercise of the rights of the child; although the Government had drafted a bill to create an ombudsman's office, the complex legal system had until now made it impossible. However, an advisory council had been created recently and was now in operation, with responsibilities similar to that of an ombudsman's office.

29. On the question about the preparation of the country report, he said that it had been drawn up by the Ministry of Planning and Cooperation in coordination with the Ministry of Foreign Affairs. NGOs active in the area of children had been consulted during the preparatory work. Subsequently, they had been given the report, and there had been an exchange of views. The Government had been working on a procedure that would encourage civil society to take a more active part in preparing the reports and assist in implementing the Committee's recommendations.

30. Commenting on a query about the minimum age at which parents could give consent for marriage, which was 14 for boys and 12 for girls, he said that although the Civil Code contained provisions to that effect, they were tacitly ignored. He did not know of a single case of children of that age marrying.

31. The CHAIRPERSON asked whether the Advisory Council heard complaints from children.

32. Mr. SALINA (Chile) said that the Advisory Council had been set up recently to work towards the establishment of an office of ombudsman. Officially, it had no such review procedure, but in practice, it received complaints and channelled them to other institutions. Either the office of ombudsman would soon be established, or the Advisory Council would be specifically mandated to deal with those complaints.

33. Ms. ZULOAGA (Chile) said that 22 government agencies as well as organizations in civil society had been involved in preparing the National Plan of Action and the National Policy on Children and Young People, which had been announced by President Lagos in April 2001. An effort was made to ensure that the Plan took account of the views of civil society, children and the regions. From the outset, it had incorporated regional strategies and priorities with regard to children, who had taken part in the preparatory discussions. Her service, the Unit for Intersectoral Coordination and Civil Society, coordinated sectoral and intersectoral aims with a view to obtaining a special budget for children. That would not be easy: in general, social policy was decided sector by sector. Thus, agreement on a policy and plan by 22 government

agencies had been a big step forward. For the time being, her service sought to ensure that each agency defined its own sectoral aims, for inclusion in the budgets prepared for them annually. One of the main tasks was to make the Convention and the National Policy and Plan of Action widely available, and the Government had been working to that end with civil society, with the strong support of UNICEF. Five regional forums had been held, and the regions had been called upon to step up the dissemination process.

34. On the question why advice from civil society should differ from that received from technical or intersectoral committees, she said that when the National Plan had been prepared, it had been felt that public policy was basically the responsibility of the State. Careful consideration had been given to the recommendations of civil society, but government agencies had had to act in accordance with the situation in the country. The Social Ministers' Committee was the body responsible for decisions in that area.

35. Ms. KARP said that the discussion was focusing on an advisory body, not a decision-making one. NGOs were in touch with the situation in the field. It was of mutual benefit for State agencies and NGOs to coordinate their work. Recommendations made by NGOs should not be dealt with differently from those by a ministerial advisory body. She stressed the value of working together with NGOs.

36. Ms. ZULOAGA (Chile) said that one of the areas of difficulty identified by Chile was cooperation between the Government and civil society. Chile was well aware that NGOs were allies in achieving a shared goal.

37. Mr. MORENO (Chile), taking up a comment on poverty and social exclusion, said that the Government had been working on the problem for some time, and considerable progress had been made. Between 1990 and 2000, the percentage of the population living in poverty had been reduced from 38 per cent to 20 per cent. Between 1990 and 2000, the rate of children living in poverty had fallen from 50 per cent to 29 per cent.

38. A 1998 decree of the Ministry of Education had been enacted to ensure that such children with disabilities were fully integrated in schools. Some 5.3 per cent of the total population and 2.8 per cent of children and adolescents had a disability; 80 per cent of children and adolescents with disabilities received assistance from the public health sector. There was a disparity of 3.6 years of schooling. Some 36 per cent of the national disability fund was earmarked for projects involving children and young people.

39. In reply to a request for statistics, he said that the National Institute of Statistics as well as a number of ministerial departments carried out surveys and studies. He was responsible for coordinating the National Social and Economic Survey (CASEN survey), for which data were submitted every two years on education, the situation of women and children and public expenditure, in particular. An effort was made to ensure that the ministries produced statistics that could be compared; to that end, the questions asked in surveys were coordinated in advance.

40. There was no separate budget for children, but he pointed out that 4.2 per cent of GDP was spent on children. Other resources were allocated for civil society programmes, whether initiated by the Government, NGOs or the private sector.

41. Ms. TIGERSTEDT-TÄHTELÄ asked about the impact of the poverty strategy. Had any progress been made in reducing income disparities?

42. Mr. MORENO (Chile) said that some progress had been made in eradicating poverty, but there had been little change in income distribution in the past decade.

43. On the question about how the budget was drawn up, he said that the regions made requests to the sectoral and central ministries which were forwarded to the treasury, which then submitted the draft budget to the executive branch for adoption. The budget included an item on the regional development fund which earmarked substantial sums to the regions.

44. On the question concerning the Solidarity and Social Investment Fund (FOSIS), he said that that body was one of several that had a legal basis.

45. With regard to teenage pregnancy, he said that mothers under 19 years of age had accounted for 16 per cent of births in 1998; although lower than in earlier years, that figure was still quite high. In respect of legislation to encourage young mothers to attend school, he said that administrative guidelines had been drawn up to that end. In 1999, the Ministry of Health had decided that priority attention should be given to adolescent mothers.

46. Doubts had been voiced about the country's political institutions. Chile had a presidential system. Following the 1992 reforms, 13 administrative regions had been set up, making it possible for the national government to take decisions on planning in conjunction with the regional governments and councils, which were democratically elected. Mayors and councillors, likewise democratically elected, took decisions at local level in the area of health, education and other matters. They must also draft their annual budget, which was then approved by the legislature.

47. Ms. del GATTO, referring to new legislation, said that the President had introduced a reform of far-reaching legislative changes that would help meet some of the Committee's concerns. A new bill on minors would soon be submitted to Parliament, a new law for the protection of the rights of the child would replace current legislation in force since 1928 and mechanisms would be introduced to ensure implementation of the Convention. Draft legislation on juvenile criminal responsibility was nearing completion and would also be submitted to Parliament later in the year, in compliance with the Convention's requirement to set up a system of justice specifically for young people under 18 years of age who committed offences: children aged 14 to 18 would be responsible for offences they committed, but punishment would be in keeping with their age. For violent crimes committed by children in that age group, the maximum sentence would be five years' imprisonment. A programme would also be introduced under the new legislation, to be implemented by SENAME, on rehabilitation measures for even the most serious offences, such as murder, rape or theft. Provision was also made for non-custodial measures. The two laws would give rise to two different services, and SENAME would in effect be divided into a body responsible for the protection of children's rights and another to monitor penalties associated with the new legislation on juvenile criminal responsibility. To prepare for the day when the two services became operational, one department within SENAME gave special attention to young offenders and another helped young people whose rights had been violated.

48. SENAME would make a diagnosis of juvenile offenders aged from 16 to 18 with a view to establishing whether they could be held criminally responsible, though ultimately the decision would rest with the judge. Children aged under 16 years were not considered to have reached the age of criminal responsibility. Juveniles in that age group who were found guilty of an offence could not receive a prison sentence, but could be requested to attend a rehabilitation centre.

49. Whenever abused or neglected minors were placed in children's homes or care institutions, SENAME tried to ensure that they could return to the family environment as soon as possible, strengthening links with either the extended or the nuclear family. The emphasis had changed from the institutionalization of children in irregular situations to a strategy of protection based on the best interests of the child. SENAME allocated 80 per cent of its child-protection resources to a network of partners in the private sector, who were responsible for carrying out protection activities.

50. Ms. KARP said she understood that under the new plans for SENAME, a separate agency would be created for child protection, as part of the shift away from the traditional policy of institutionalization. She asked for details of the budgetary implications of those changes.

51. Mr. CITARELLA said he would welcome clarification of the provisions of the new Criminal Offences (Young Persons' Responsibility) Bill currently awaiting presentation to Parliament. The Minors Act of 1967 had established no minimum age for criminal liability. The list of minors involved in criminal cases, provided in the written replies, suggested that as recently as 1998, children under 12 years of age could still be found guilty of offences. He asked whether children under 16 years of age remained liable to be treated as criminals, despite the formal distinction made between minors over and under that age.

52. Ms. TIGERSTEDT-TÄHTELÄ asked whether the budgetary proposals for the reform of SENAME had been submitted to Parliament. With 80 per cent of the child-protection budget being allocated to the private sector, she would appreciate information on whether the outsourcing was done on a contractual basis, and whether the quality of the services was monitored.

53. Ms. del GATTO (Chile) said that SENAME had two main areas of work: the treatment of juvenile offenders and child protection. In 2002, of the annual budget of $87 million, $19 million was spent on dealing with young offenders, and $68 million on child protection. The new agencies created to deal with the two areas separately would inherit the same budgetary arrangements. The network of 270 partners in the private sector, responsible for the implementation of child-protection measures, was subject to supervision with regard to the way in which resources were spent. A national consultative committee brought together representatives from the private and public sector to exchange views on strategic and practical issues. The Children's Rights Offices were a key part of the new plans for child protection. Her Government aimed to establish 100 Offices over the next five years, which would correspond to one for every 70,000 children. Each would employ lawyers to examine complaints about violations of children's rights, with a view to resolving cases at the local level before they

reached the courts. The new sexual offences bill introduced harsher sentences for child abusers, particularly in cases where the victim was under the age of 12 years, and provided for complaints to be treated with absolute confidentiality. SENAME had made available 16 reception centres for child abuse victims, which provided psychological rehabilitation free of charge.

54. The CHAIRPERSON invited members of the Committee to ask questions concerning general principles, civil rights and freedoms and family environment and alternative care.

55. Ms. SARDENBERG expressed concern at the apparent absence of civil society participation in the implementation of the Convention. In her view, institutional reform of SENAME was essential in order to enhance the effectiveness of new legislation. As an all-encompassing institution dealing with abused children and young offenders, it was still inspired by the doctrine of the institutionalization of children in an irregular situation. In order to introduce a change in thinking about children whose rights had been violated, it was important to drop the term "minors", which was too closely associated with that doctrine. The process of institutional and legislative change had to be accompanied by a change in mentalities. The dissemination of the Convention was therefore particularly important. A press conference should be organized, concerning the discussion of the periodic report, as soon as the delegation returned to Chile. Regarding general principles, she asked for an account of the extent of discrimination in the country. She would be interested to learn of any improvements in the situation of the girl child and that of indigenous children.

56. Ms. CHUTIKUL said that, while she welcomed the fact that the National Social and Economic Survey (CASEN Survey) was conducted every two years, certain subjects, such as child abuse, could not be assessed on the basis of a representative sample. She failed to understand the concept of detention centres for children who had been victims of abuse. She asked what alternative methods of dealing with child abuse were being considered.

57. Mr. AL-SHEDDI said he would appreciate further information regarding Peruvian and Bolivian refugees, especially with regard to the provision of health and education services by the State. He asked for more details of the public awareness campaign on the use of corporal punishment, including an analysis of its results. He would appreciate the delegation elaborating on the extent of cooperation between the various institutions working with SENAME across the country. Given that 40 per cent of abused children belonged to mothers between the ages of 15 and 19 years, he would be interested to learn of steps that the authorities were taking to reduce the number of adolescent pregnancies.

58. Ms. AL-THANI said that she failed to understand how the new legislation on sexual offences against minors had made the law tougher on offenders. She understood that the maximum sentence had been halved from 10 to 5 years, and that many offenders still escaped a prison sentence.

59. Ms. OUEDRAOGO, referring to paragraph 312 of the report, said that the child's right to express an opinion within the juvenile justice system was often disregarded. She enquired whether efforts were being made to improve that situation. Given the frequency of illegal abortions among adolescent girls, she expressed concern about the state of reproductive health

and the effectiveness of education. The delegation should explain how the right to registration at birth was guaranteed to the children of minority groups such as indigenous communities and refugees. It should also clarify whether a child born to a Chilean mother and a foreign father was entitled to Chilean citizenship. She drew attention to two deficiencies in the Youth Parliament. On the one hand, it gave a voice only to children who were enrolled in school and, on the other, the fact that it met in the Chamber of Deputies made its representatives vulnerable to political manipulation by adults. She asked for details of how offenders were dealt with in cases of child torture, for instance, within the police force.

The meeting rose at 1.05 p.m.